IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 14289 of 2004

Between:

M. Venkata Vara Prasad,

S/o Maha Laxmi, Aged 43 years, Occ: Work Inspector,

Irrigation Department, R/o D.No.3-499, Undavalli Centre,

Thadepalli Mandal, Guntur District.

..... PETITIONER

AND

1. The Deputy Registrar of Cooperative Societies, Vijayawada.

2. The District Cooperative Officer, Krishna District, Machilipatnam.

3. The Cooperative Sub Registrar (Housing-I), O/o: The Divisional Cooperative Officer, Vijayawada.

4. The Deputy Executive Engineer, Irrigation Department, Head Quarters Sub Division, Vijayawada-1.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction or writ more particularly one in the nature of writ of Certiorari calling for the records relating to the impugned Surcharge Order Vide.Rc.No.3574/2001-B, Dated 27-02-2003 on the file of the first respondent and declare the same as illegal, arbitrary and against the principles of natural justice and consequently quash the same.

Counsel for the petitioner: Mr T. Bheemsen.

Counsel for the respondents 1 to 3: G.P. for Cooperation.

R-4: Notice not sent.

The Court, at the admission stage, made the following:

ORDER:

This writ petition is filed challenging the order dated 27-02-2003 passed by the first respondent under Section 60 of the A.P. Cooperative Societies Act, 1964. Admittedly, against the said order, an alternative remedy is available under the statute by way of appeal. But, the petitioner failed to exhaust the said alternative remedy. Moreover, the impugned order has been passed long back i.e., on 27-02-2003 and there is absolutely no explanation in the affidavit filed along with the writ petition for the inordinate delay in invoking the writ jurisdiction of this Court. Hence, I am not inclined to entertain this writ petition, both on the ground of laches and also on the ground that the petitioner failed to exhaust the alternative remedy of appeal.

The writ petition is accordingly dismissed. However, this shall not preclude the petitioner to work out his remedies as available under

law. No order as to costs.

13-08-2004

ghn

To

1. The Deputy Registrar of Cooperative Societies, Vijayawada.

2. The District Cooperative Officer, Krishna District, Machilipatnam.

3. The Cooperative Sub Registrar (Housing-I), O/o: The Divisional Cooperative Officer, Vijayawada.

4. The Deputy Executive Engineer, Irrigation Department, Head Quarters Sub Division, Vijayawada-1.

5. Two CC copies to the Government Pleader for Cooperation, High Court of A.P., Hyderabad (o.u.t).

6. Two CD copies.